UN

CONFERENCE ON DISARMAMENT

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LETTER DATED 26 FEBRUARY 1992 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF ECUADOR ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE DRAFT AGREEMENT ON MEASURES OF CONFIDENCE AND COOPERATION BETWEEN ECUADOR AND PERU

I have the honour to transmit herewith the text of the "Draft agreement on measures of confidence and cooperation" as submitted by the Ambassador of Ecuador to Peru for the consideration of the then Minister for Foreign Affairs of Peru, Mr. Carlos Torres y Torres Lara, on 28 October 1991, further to the proposal made 21 days earlier in the United Nations General Assembly by the President of the Republic of Ecuador, Mr. Rodrigo Borja, for a permanent solution to the territorial dispute between Ecuador and Peru through the arbitration of Pope John Paul II.

I should be most grateful, Sir, if, in accordance with established practice, you would arrange for the text to be issued as an official document of the Conference on Disarmament and distributed to all delegations both of Member States and of the non-Member States participating in work of the Conference.

(Signed): Francisco Riofrío
Minister, Deputy Permanent Representative
Chargé d'Affaires a.i.

GE.92-60505/8891a

"DRAFT AGREEMENT ON MEASURES OF CONFIDENCE AND COOPERATION

The Government of the Republic of Ecuador and the Government of the Republic of Peru,

Having decided to strengthen the ties of solidarity and mutual confidence between the two countries,

Persuaded that this is the spirit inspiring the whole of Latin America in the search for conditions which will bring its peoples closer together in a joint effort to strengthen unity, peace, security and cooperation in the region,

Convinced that the process of regional and subregional integration is essential for the development of both countries and requires political will to prevent and overcome tensions through understanding and cooperation,

Reaffirming the principles embodied in the Charter of the United Nations and the Charter of the Organization of American States, as well as in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the Declaration on the Strengthening of International Security, adopted by the United Nations General Assembly, wishing to strengthen their spirit of conciliation,

Resolved to live as neighbours in observance of the obligation to resolve all disputes by peaceful means and under no circumstances to resort to the threat or use of force,

Have agreee to conclude the following Agreement, for which purpose they have designated as their representatives:

His Excellency the Constitutional President of the Republic of Ecuador, the Minister for Foreign Affairs, Mr. ...,

His Excellency the President of the Republic of Peru, the Minister for Foreign Affairs, Mr. ..., who have agreed as follows:

ARTICLE I

The High Contracting Parties undertake to refrain from any act incompatible with the purposes and principles of the Charter of the United Nations and of the Charter of the Organization of American States and

reaffirm their obligation to refrain from resorting directly or indirectly, to any form of the threat or use of force in their mutual international relations.

The Parties therefore undertake not to invade or occupy the territory of the other Party and to refrain from any act constituting aggression within the meaning of United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, and from any other act which might jeopardize the peaceful coexistence of the two countries.

ARTICLE II

The Parties reaffirm their obligation to resolve exclusively by peaceful means and in accordance with international law all problems and incidents, including any arising as a result of reports of military incursions.

Until such time as any such situations are resolved, the Parties shall hold consultations with a view to avoiding acts which might impair the coexistence of the two countries and adopting measures to bring about détente.

In the event of a military incident which cannot be dealt with by the military mechanisms in force between the armed forces of the two countries agreed on as part of the confidence measures, the Ministers for Foreign Affairs of the Parties shall seek ways and means of arriving at mutually satisfactory solutions in order to avoid any worsening of tension and to safeguard international peace. The measures adopted in this connection may include the establishment, by joint agreement, of demilitarized zones in the areas of conflict.

ARTICLE III

The Parties agree to promote a climate of friendship and confidence between the two countries and undertake to maintain peaceful and good neighbourly relations, for which purpose they shall encourage ties based on solidarity, justice and understanding, with a view to strengthening their mutual cooperation and overcome any obstacles which may arise to peaceful coexistence and the overall development of their peoples.

ARTICLE IV

This Agreement shall enter into force on the date of the exchange of instruments of ratification to take place at the Secretariat of the United Nations, with which the Parties undertake to register the Agreement in

accordance with Article 102 of the Charter of the United Nations, and which shall be the depositary of this instrument and of the relevant instruments of ratification.

Upon the signing of this Agreement, the Parties shall refrain from any acts which might frustrate the purposes for which it is concluded.

ARTICLE V

This Agreement shall remain in effect indefinitely."